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HOUSE BILL 853

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO WATER; PROVIDING THAT NO CHANGE MAY BE MADE TO THE
ELEMENTS OF AN ADJUDICATED WATER RIGHT WITHOUT STATUTORY OR
COURT AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-4-19 NMSA 1978 (being Laws 1907,
Chapter 49, Section 23, as amended) is amended to read:

"72-4-19. ADJUDICATION OF WATER RIGHTS--DECREE.--~~[See-~~
~~24.]~~ Upon the adjudication of the rights to the use of the
waters of a stream system, a certified copy of the decree shall
be prepared and filed in the office of the state engineer by
the clerk of the court at the cost of the parties. Such decree
shall in every case declare, as to the water right adjudged to
each party, the priority, amount, purpose, periods and place of
use, and as to water used for irrigation, except as otherwise

underscored material = new
[bracketed material] = delete

1 provided in this article, the specific tracts of land to which
2 it shall be appurtenant, together with such other conditions as
3 may be necessary to define the right and its priority. The
4 elements of a water right that is declared and adjudicated
5 shall not be altered or modified except as provided by statute
6 or by order of the court."

7 Section 2. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2007.

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